

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



July 7, 1988

ALL COUNTY LETTER NO. 88-77

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: HOMELESS ASSISTANCE REGULATIONS

As you were previously notified in ACL 88-55, revisions to the Homeless Assistance regulations were filed with the Office of Administrative Law and are now effective. MPP Section 44-211.512 had originally provided:

An AU is not considered homeless when it is sharing housing unless the housing is being shared on an emergency basis and is temporary.

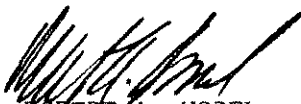
A significant percentage of AFDC families live in shared housing and have a "fixed and regular" place to live. The purpose of the shared housing restriction was to emphasize that these families were never intended to be beneficiaries of the new special need provisions and would clearly be ineligible. The law was established to benefit those who are homeless, not those who are merely dissatisfied with shared housing living arrangements. It came to our attention that the "emergency" and "temporary" exception was being interpreted by some Counties to permit families who were not actually homeless to receive benefits under the regulations. The exception was deleted so that the test of "fixed and regular" would be paramount and any confusion caused by "temporary" and "emergency" would be removed.

The Department's policy was and remains that families who lack a fixed and regular nighttime residence are homeless even if they live with others. People in shared housing do not lack a fixed and regular nighttime residence and are therefore not homeless.

On June 29, 1988 the Superior Court of Alameda County issued a Temporary Restraining Order in the case of Merriman v. McMahon. The Plaintiffs are challenging the revision of MPP 44-211.512 as they believe it represents a change in policy. Despite the Department's stated purpose in deleting the "temporary" and "emergency" clause for clarity, not a change in policy, the court granted the request by Plaintiffs to issue an order enjoining the Department from implementing any change in MPP 44-211.512. Therefore, you are to read this regulation as though the deleted language were still present.

Please call AFDC/FS Policy Implementation Bureau analyst Ms. Judy Moore at (916) 324-2017 if you have any questions.

Sincerely,


ROBERT A. HOREL
Deputy Director